

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.  
Vacation Sessions Judge/Principal Sessions Judge,  
Kanniyakumari at Nagercoil.

Wednesday, the 8<sup>th</sup> day of May, 2024.

CrI.M.P. No. 28/2024

(CNR.No.TNKK0V-000110-2024)

and

CrI.M.P. No. 31/2024

(CNR.No.TNKK0V-000106-2024)

Mathan Raj @ Mathankumar, (A1)

S/o. Sudhakar @ Sudarsan

.. Petitioner in CrI.M.P.No.28/2024

Starvin @ Vignesh, (A3)

S/o. Arul

.. Petitioner in CrI.M.P.No.31/2024

/Vs./

Sub Inspector of Police,

Aralvaimozhy Police Station,

Crime No. 147/2024 of Aralvaimozhy Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

These two petitions are filed by Advocates Tvl. S. Dhinesh and N.Sivakumar respectively, u/s 438 Cr.P.C., praying to grant anticipatory bail to the petitioner in both petitions.

## COMMON ORDER

Heard both sides. Perused the petitions.

These two petitions are filed by different accused, but in same crime number.

The petitioner/accused alleged to have been committed the offence u/s 448, 294(b), 427, 323, 506(ii) of IPC and Section 4 of TNPHW Act.

The case of the prosecution is that on 22.04.2024 at about 8.30 P.M., the accused persons entered into the house of the defacto complainant, abused the informant in filthy language, damaged the glass of a two wheeler, auto rickshaw and television and assaulted the defacto complainant, caused injuries and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioner in CrI.M.P.No.28/2024 submitted that the petitioner is innocent of the offences alleged against him and he has not committed any offence as alleged in the FIR and the injured was discharged from the hospital and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

The learned counsel for the petitioner in CrI.M.P.No.31/2024 submitted that in fact, when the petitioner was going to the shop at MGR Nagar, Aralvaimozhi, the defacto complainant's husband was quarreling with some others and the petitioner was watching the quarrel from the shop and the defacto complainant suspected the petitioner and used filthy words against him and tried to assault and then the petitioner moved that place and the petitioner/A3 is a final year Polytechnic student and the allegation against him is totally false and he is in no way connected with the

alleged offence and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that there is a previous enmity between the defacto complainant and the 1<sup>st</sup> accused and on 22.04.2024, these petitioners trespassed into the house of the defacto complainant and damaged the television and attempted to stab the defacto complainant with knife and then they assaulted the defacto complainant with hand and they damaged the two wheeler also and the injured was discharged from the hospital and the investigation of the case is not yet over and he has serious objection to grant anticipatory bail to the petitioners and both petitions may be dismissed.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the fact that the injured was discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner/accused in both petitions with conditions.

In the result, in the event of arrest or on their appearing before the court concerned the petitioners are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate, Boothapandy subject to the following conditions:-

1. The petitioners shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioners shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.

3. The petitioners shall also make themselves available before the respondent as and when required.
4. The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioners shall not leave the jurisdictional police limit without prior permission.

If there is any violation of condition, the Investigation Officer is with in his discretion to approach the court of the learned Judicial Magistrate for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in open court this the 8<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

To  
The Judicial Magistrate, Boothapandy. (through e-mode)  
The Sub Inspector of Police, Aralvaimozhy Police Station. (through court cell  
e-mode)  
The counsel for the petitioner in both petitions.